

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES

-v-

No. 23-CR-407-LTS-2

SAMUEL BAUTISTA,

Defendant.

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ORDER

The Court has received an ex parte request from defense counsel for Defendant Samuel Bautista to so-order a subpoena pursuant to Federal Rule of Criminal Procedure 17(c).

The request is hereby denied because it is not accompanied by a justification for the request and there is no scheduled evidentiary proceeding. Should the Defendant wish to renew the request for a subpoena, such application must be made by noticed motion with supporting justification, in accordance with the relevant standard governing pretrial production under Rule 17(c). See United States v. Nixon, 418 U.S. 683, 699-700 (1974) (citing United States v. Iozia, 13 F.R.D. 335, 338 (S.D.N.Y. 1952)).

The Defendant is further ordered to show cause in writing within **7 days** of entry of this Order as to why the ex parte request and underlying subpoena should not be filed on the public docket. If no submission is received within 7 days, or if such submission is insufficient to demonstrate that there are circumstances outweighing the presumption in favor of public access to judicial documents, see, e.g., Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d

Cir. 2006), the request with the underlying subpoena will be filed on the public docket.

SO ORDERED.

Dated: New York, New York  
March 1, 2024

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge